

---

## North Coast Regional Water Quality Control Board

TO: Kason Grady

FROM: Brian Fuller

DATE: March 11, 2022

**Inspection Report for February 10, 2022 Consent Inspection,  
Trinity County  
Assessor's Parcel Numbers (APN) 016-200-17-00 (the "Property")**

File: Cannabis Program Inspections, Trinity County, Baker Property,  
CIWQS Place ID 849792

**Property information:**

Watershed: Trinity River Hydrologic Unit; South Fork Trinity River Hydrologic Area;  
Hayfork Valley Hydrologic Subarea (HU/HA/HSA 106.25; see Table 2-1 of the Water  
Quality Control Plan for the North Coast Region (Basin Plan), for beneficial uses)

**Inspection information:**

Date/time: February 10, 2022 / 10am -11am

Weather: Sunny

Type: Follow-up (enforcement) Inspection

**Attendance:**

Gayle Baker

Warden Barry Powell, California Department of Fish and Wildlife (CDFW)

Jacqueline Matthews, Senior Environmental Scientist Specialist, CDFW

Brian Fuller, P.G., Engineering Geologist, North Coast Regional Water Quality Control  
Board (Regional Water Board)

**Background/Objective:**

On July 31, 2020, the Executive Officer of the Regional Water Board, issued Cleanup  
and Abatement Order No. R1-2020-0028 (CAO) to Rodney Baker and Gayle Baker, (the  
"Dischargers"). The CAO pertains to observed discharges and threatened discharges to  
receiving water associated with cannabis cultivation without authorization from  
applicable federal, state, and local agencies.

Required Action No. 1 of the CAO requires that the Dischargers submit a Cleanup, Restoration, and Monitoring Plan (CRMP) by August 1, 2020.

On July 31, 2020 the Dischargers submitted a CRMP of appropriate scope to address the CAO requirements, revised the CRMP on August 5, 2020, and submitted an addendum to the CRMP on August 20, 2020.

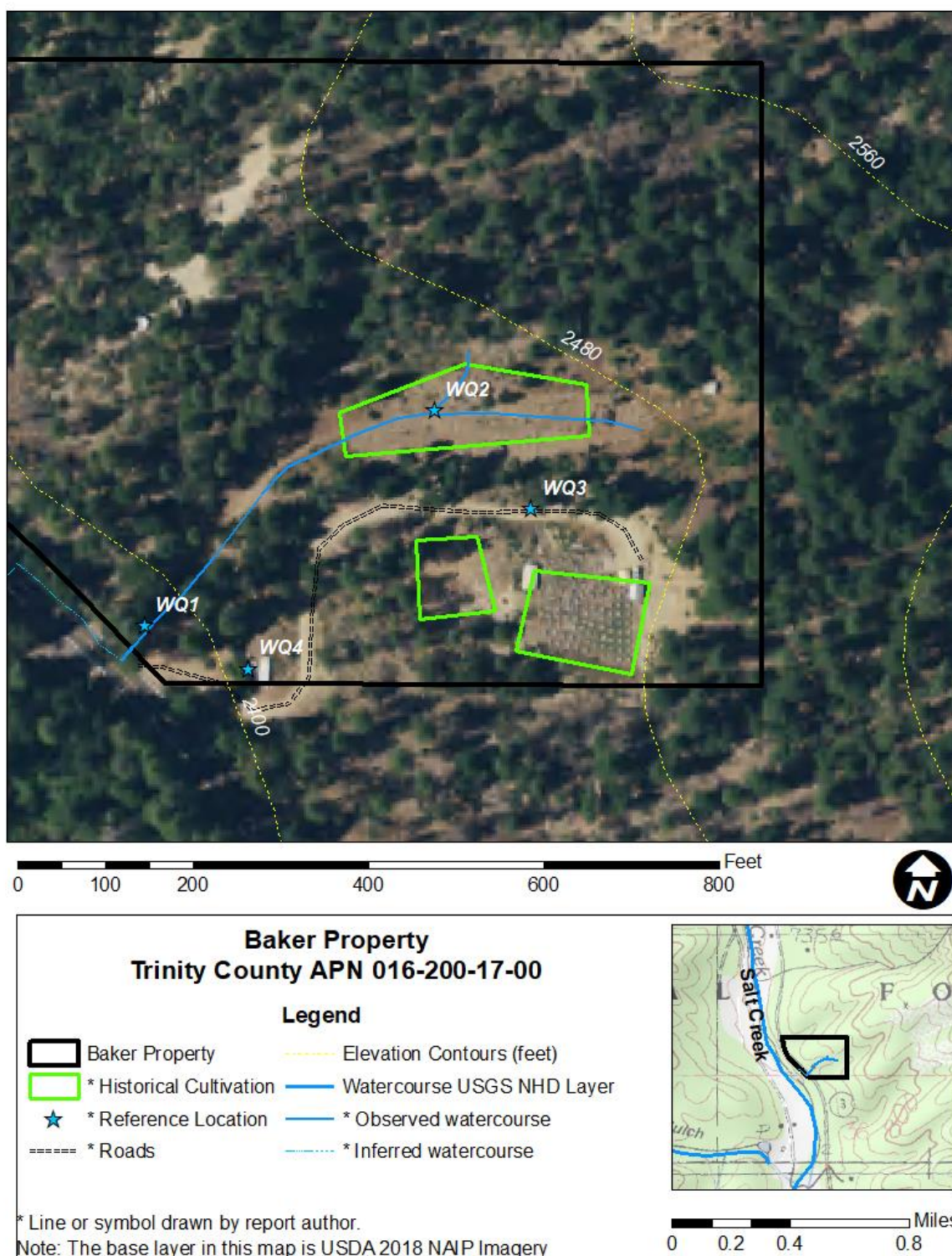
On October 6, 2020, Regional Water Board Cannabis Division Supervisor Kason Grady approved the August 5, 2020, CRMP and August 20, 2020 addendum (Approved CRMP).

The Approved CRMP includes:

- 1) Removal of all imported potting soils from the watercourse on the Property;
- 2) Shaping and adding rock to an access road on the Property;
- 3) Implementation of a revegetation plan that includes planting and irrigating 141 container-grown plants; and
- 4) Contacting Trinity County to inspect a wellhead which is not adequately constructed to protect groundwater.

Prior to the inspection, Mrs. Baker informed me that the Dischargers had successfully completed Required Action Nos. 1 and 2 (enumerated above), but acknowledged that they had not implemented items 3 and 4. In a February 8, 2022 phone call with me, Mrs. Baker gave consent for CDFW personnel and me to inspect the Property on Thursday February 10, 2022 at 10:00 am.

**Inspection Map:**



*Figure 1: Aerial Images of Burned Area. Background imagery from USDA NAIP*

**Inspection Narrative:**

I parked along Highway 3, met with CDFW personnel, and walked east onto the Property. I observed a wooden box that had been constructed to cover the well at WQ1 (Photo 1). I continued walking east and observed that a car, potting soil and refuse which was present during previous inspections, had now been removed from the site (Photo 2 and Photo 3).

I continued walking east to WQ2 and observed the valley—which was formerly filled with imported potting soils and other cannabis cultivation waste—had now been reshaped and was covered with a layer of straw and leaf litter (Photo 4 and Photo 5). I walked up to the road at WQ3 and observed that angular aggregate had been added to the road surface (Photo 6).

I walked to WQ4 where CDFW personnel and I met with Gayle Baker. Mrs. Baker explained to us that the full scope of work presented in the Approved CRMP was not in her capacity to complete. She explained that her consultant had proposed too large of a scope of work to restore the site and that she and Mr. Baker did not have enough money to purchase the 141 container grown plants that were identified in the Approved CRMP. Mrs. Baker also explained that the power service had been vandalized (Photo 7), which would make it difficult to irrigate the container grown plants.

I explained to Mrs. Baker that if conditions had changed, and she no longer believed that the Approved CRMP was appropriate for meeting the requirements of the CAO, she would need to make the case for this in writing to the Regional Water Board Executive Officer. We also identified additional piles of refuse on the property that needed to be disposed of (Photo 8).

I discussed with Mrs. Baker the need to have the wellhead assessed by the County. I explained that since I observed that the wellhead was open below grade, it presented the threat of pollutants transported by stormwater to enter groundwater. The Approved CRMP explains that the Dischargers would contact Trinity County and pay approximately \$300 for Environmental Health to complete a site visit to inspect the well. I told Mrs. Baker that I would call Trinity County Environmental Health and check if they would require her to contact them for the inspection or if they would be fine if she just contacted a well drilling company to bring the wellhead up to compliance.

Following the inspection, I called Trinity County Environmental Health and spoke with Kristy Anderson. Ms. Anderson told me that the Dischargers would need to pay for the well inspection, that it was straightforward, and that Trinity County Environmental Health often conduct these types of inspections.

**Recommendations:**

1. Engage a qualified professional to complete implementation of the Approved CRMP—including the full scope of the revegetation plan—or obtain approval

from the Regional Water Board's Executive Officer or his delegate in accordance with CAO General Requirements and Notices No. 10. If you do request changes to the Approved CRMP. Please be sure to include an explanation of how the revised plan will meet all CAO requirements.

2. Remove or move the remaining trash/refuse on site. If moved somewhere else on site, the trash/refuse must be 150 feet away from any watercourse. Document what is done with the trash/refuse e.g. receipt from the dump, or pics of the new storage location on site.
3. Contact Trinity County Environmental Health at (530) 623-1459 and arrange for them to inspect the wellhead.

**Enforcement Discretion:**

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.



**Photo Appendix:**



*Photo 1—Looking northeast in the vicinity of WQ1. A wooden box covering the wellhead is visible in the top right of the image and Highway 3 is visible in the top left of the image.*



*Photo 2—Looking northwest from WQ 1. A car that was present in previous inspection is no longer here.*





*Photo 3—Looking southeast towards WQ1. Refuse and potting soil that was visible during previous inspections has been removed.*



*Photo 4—Looking west in the vicinity of WQ2. A narrow channel is visible where the Approved CRMP proposed constructing one, and the ground is covered with a thin layer of straw and leaf litter. Evidence of imported potting soils and cannabis cultivation wastes, which were visible in past inspections, are no longer visible.*





*Photo 5— Looking east in the vicinity of WQ2. Narrow channels are visible where the Approved CRMP proposed constructing them. Earthen garden beds that were present in past inspections, are no longer visible.*



*Photo 6—Looking west toward WQ3 at access road. The road-surface is covered with angular rock.*





*Photo 7—Electrical panel located at WQ4. The image shows that wires have been disconnected from the breakers.*



*Photo 8—Piles of plastic pipe in the vicinity of WQ4.*